

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV203-MU

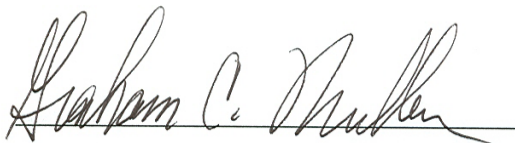
CHRISTOPHER H. BROWN B.S.)
DENT., D.D.S., P.A.,)
)
Plaintiff,)
)
vs.)
)
SLS INTERNATIONAL, INC.,)
)
Defendant.)
_____)

ORDER

This matter is before the court upon Defendant's Motion to Dismiss Plaintiff's Amended Complaint pursuant to Rule 12(b)(6). In considering a motion to dismiss, the court must view the Complaint in the light most favorable to the plaintiff, and accept as true all well-pleaded allegations. Randall v. United States, 30 F.3d 518, 522 (4th Cir. 1994). Dismissal is proper only if it appears "beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46 (1957). The court has reviewed the Amended Complaint and the briefs filed by the parties and concludes that dismissal of the Amended Complaint would be inappropriate. The parties are directed to confer and submit their Certificate of Initial Attorneys Conference forthwith.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss is hereby DENIED.

Signed: January 26, 2006



Graham C. Mullen
United States District Judge

